

II. REMARKS

The Rejections Under 35 USC Section 102(b)

In response to the Examiner's rejection of claims 13-20 and 22-24, Applicants traverse the rejection on the grounds set forth herein. Furthermore, Applicants have amended claims 13 through 24 in order to elucidate the patentable distinctions between the invention and US Pat. No. 5,140,061.

First, it would seem that much of the Examiner's confusion centers around claims 20 and 21 since the Examiner has asserted on page 3, second paragraph, of the final Office Action, that claim 20 does not show two separate components. Thus, the problem according to the Examiner is one of inadequate characterization of what constitutes the retentive and flexible components. Applicants now wish to decisively remedy any ambiguity as to what constitutes the retentive and flexible components in the context of the materials disclosed in the application.

Applicants have amended claim 13 to include, in the form of Markush language, appropriate selections for each of the two components. In order to make the specification also clearly reflect the distinction between material satisfying the requirements for each component, the bridging paragraph between pages 4 and 5 has also been amended, as has the sentence on page 4, lines 8-9. A new paragraph, which lists non-exhaustively, suitable choices for the flexible component has also been added on page 5 after the bridging paragraph that began on page 4. Applicants wish to make it clear that these amendments do not in any way add new matter, as the listed flexible components are those already disclosed in the Examples, or obvious equivalents thereof which would be known to one of ordinary skill in the art.

Second, the polymers listed in claims 20-22 are examples of the retentive component. Applicants have now amended claims 20,21 and 22 to make it clear that they are directed to the retentive component. Also, many of the components which had been, or, in some claims, are still described as “copolymers” are in fact polymers rather than copolymers. Note that polyethylene glycol, which is properly referred to as a polymer, rather than a copolymer, was removed from claim 20 and is now listed separately in claim 13, rather than merely being listed in claim 22 as a possible functionality of “silane and siloxane copolymers” as was done previously. Applicants have added new dependent claim 25 which lists suitable choices for the flexible component.

Third, to demonstrate still further that the distinction between the two components was and is an essential aspect of the invention, Applicants provide the following table which distinguishes for each of the Examples contained in the application what constitutes the retentive component and what constitutes the flexible component.

EXAMPLE	RETENTIVE COMPONENT	FLEXIBLE COMPONENT
1	Polyurethane	Polysiloxane
2	Polybutadiene	Polysiloxane
3	Epoxy and Amino	Polysiloxane
4	Polyethylene Vinyl Alcohol	Polyethylene
5	Phenyl Group	Polysiloxane
6	Polymethacrylate	Polyacrylate
7	Polyvinylacetate and Amino	Polysiloxane
8	Polyvinylacetate	Polymethylhydrogensiloxane

Applicants strongly assert that the foregoing amendments, together with the arguments presented in Applicants' previous submission dated 15th July 2003 are

sufficient to overcome the rejections. Those arguments are summarized herein as follows for your convenience.

Claims 13-20 and 22-24 have been rejected under 35 USC Section 102(b) as anticipated by US Pat. No. 5,140,061 (Feder). Applicants hereby traverse the rejections and request reconsideration of the claims for the following reasons. The copolymers of the present invention comprise two separate components, a first component called the flexible component, and a second component that is a retentive component capable of binding with or otherwise retaining flavor-active or odor-active compounds. This is essential to the purpose of the invention, namely the prevention of taint of stored wines by retaining odor or flavor active compounds so as to prevent their passage from the outside environment into the stored wine. In contrast, although US Pat. No. 5,140,061 ("Feder '061") pertains to the subject matter of coating cork stoppers (col. 8, lines 45 et seq.), it does not disclose such a flavor or odor retentive compound comprised of two component crosslinked copolymers as does the invention. Rather, Feder '061 teaches elastomeric compounds, produced by crosslinking aqueous silicone dispersions, that have been chosen specifically to prevent liquid from running between the neck of the bottle and the stopper (col. 8, lines 59-62). Such a crosslinked silicone product corresponds to the flexible component of Applicants' invention, however, Feder '061 contains no disclosure of a retentive component as in the invention for binding or otherwise retaining the flavor-active or odor active compounds. Accordingly, there is no disclosure that the crosslinked silicones of Feder '061 comprise any component capable of preventing cork taint, a primary objective of Applicants' invention.

It is essential that the Examiner recognize the different nature of the Feder references (US Pat. Nos. 5,721,026 and 5,140,061). The polymer compounds of 5,140,061 are not copolymers and, although component (B) of the dispersions of US

5,721,026 could ostensibly be a copolymer comprising separate components, there is no specific disclosure of any such copolymer, and component (B) will typically be an organic **homopolymer** (see claim 1 of US Pat. No. 5,721,026).

With the foregoing amendments and arguments, Applicants have fully answered the Examiner's rejections, both in general as they appear on page 2 number 5 of the final Office Action and the rejection of claim 21 that appears on page 4 of the final Office Action. Accordingly, Applicants request withdrawal of the rejections and allowance of the claims.

The Rejections Under 35 USC Section 103(a)

In light of the amendments currently being made, Applicants arguments concerning the rejections under this section remain undiminished in relevance. Those arguments are repeated below for convenience.

Claims 13-24 had been rejected under 35 USC Section 103(a) as unpatentable over US Pat. No. 5,140,061 in view of US Pat. No. 5,721,026 ("Feder '061" and "Feder '026" respectively). Applicants respectfully traverse the rejections and request reconsideration of the claims.

Neither Feder '061 nor Feder '026 disclose compounds comprising two components, a flexible component and a retentive component as does the invention. As discussed above, the compounds of both Feder patents are crosslinked aqueous silicone dispersions which correspond only to the flexible component of the invention. Furthermore, Applicants wish to direct the Examiner's attention to claim 1 of Feder '026, which, in part (C) of the claim explicitly recites that the crosslinking agent merely "reacts with the emulsion (A) to produce an elastomeric state". Accordingly, the crosslinked product would not appear to comprise any functionality capable of bind with or otherwise retaining flavor-active or odor-active compounds.

Applicants believe that that the foregoing amendments and remarks above are sufficient to overcome the rejections. Because the Feder references fail to disclose a retentive and flexible component and because the characteristic of odor retention, an essential feature of the invention, is absent and nowhere suggested by the Feder references, these references together do not make obvious claims 13-20 and 22-24. For these reasons, Applicants request withdrawal of the rejections and reconsideration of the claims.

Fees

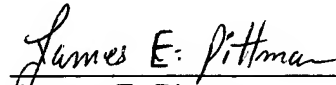
No fees are believed to be necessitated by the instant Response. However, should this understanding be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or to credit any overpayments.

III. CONCLUSION

Applicants respectfully request entry of the foregoing Amendments and Remarks into the file history of the instant Application. The Claims as amended are believed to be in condition for allowance, and withdrawal of all of the outstanding rejections is therefore believed in order. Early and favorable action on the claims is earnestly solicited. Should a discussion be helpful in resolving any outstanding issues, the Examiner is invited to telephone the undersigned at (201) 487-5800.

Respectfully submitted,

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